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June 7, 2012

Hon. Leonard D. Wexler
United States District Court
100 Federal Plaza
Central Islip, New York 11722

VIA ECF

Re: Verizon New York, Inc. v. The
Village of Westhampton Beach, et
al.
Docket No. CV-11-0252 (LDW)
Our File No. 110004

Dear Judge Wexler:

We represent the Village of Westhampton Beach in the above-referenced action, as well as in the companion action, East End Eruv Association v. The Village of Westhampton Beach, et al., No. CV-11-213 (LDW), which is also before Your Honor. I write to seek an expedited decision on the pending motions to dismiss in both of those cases. An expedited decision could avoid motion practice and/or the multiplication of legal proceedings surrounding this matter.

Apart from the actions (or, in the case of my client, inactions) of the *parties* in the Verizon case, since we filed our motion to dismiss in both cases, there has been a flurry of correspondence between counsel for Verizon and me. That correspondence is annexed hereto as Exhibits "A" (Mr. Wiles to me, March 14, 2012), "B" (me to Mr. Wiles, March 20, 2012), "C" (Mr. Wiles to me, April 5, 2012), "D" (Mr. Wiles to me, May 24, 2012), "E" (me to Mr. Wiles, May 24, 2012), "F" (Mr. Wiles to me, May 25, 2012), "G" (Mr. Wiles to me, May 30, 2012), and "H" (Ms. Weisgerber to me, June 2, 2012).

In that correspondence, counsel for Verizon indicates that Verizon sees no legal impediment to its sublicensing its poles for a private religious purpose. The Village believes they have no such authority, and the issue of the statutory authority of the utilities is squarely before this Court for decision. See Southampton Memo of Law in Support of Motion to Dismiss Verizon/LIPA Complaint, (Docket Entry # 42-4), Southampton Reply Memo of Law in Support of Motion to Dismiss Verizon/LIPA Complaint (Docket Entry 44-3), Quogue Reply Memo of Law in Support of Motion to

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Dismiss Verizon/LIPA Complaint (Docket Entry # 41-1), LIPA and Verizon Opposition to Southampton Motion to Dismiss (Docket Entry # 43), Westhampton Beach Reply Memo of Law in Support of Motion to Dismiss Verizon/LIPA Complaint (Docket Entry 50), and Southampton Memo of Law in Support of Motion to Dismiss EEEA Complaint (Docket Entry No. 142-3). Notwithstanding the voluminous submission on this issue, the phone utility makes its intention clear that it will not wait for a decision from this Court.

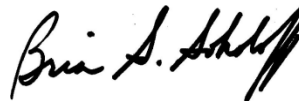
We are mindful that this is not the only case on this Court's docket, and many parties are clamoring for this Court to dispense justice quickly. This case is unusual, however, in that the future course of public events could – and probably does – hinge on a determination from this Court and, perhaps, appellate courts.

Finally, I would like to make clear that the position that the Village of Westhampton Beach has taken in this litigation, *i.e.*, that the attempt by the utilities to sub-license their public-property-placed utility poles is *ultra vires* as contrary to state law,¹ is not inconsistent with the Village's argument that, for the reasons set forth in our brief, the Court lacks subject matter jurisdiction. The Village, to date, has taken no official action with regard to the proposed eruv.²

Thank you for your consideration of this unusual request for an expedited decision.

Very truly yours,

SOKOLOFF STERN LLP



Brian S. Sokoloff

BSS/--

¹ I direct the Court's attention, in particular, to the unique provenance of the utility poles on Dune Road, the significance of which we explain in our Reply Memo of Law in Support of Westhampton Beach's Motion to Dismiss.

² It is a misnomer to refer to what plaintiffs seek as "the eruv" because their behavior thus far has been akin to game of three card monte, involving lechis with ever-changing dimensions, ever-changing colors, ever-changing utility poles, and ever-changing municipalities.